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BURNS DOANE

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2/21/02

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**DATE:** February 13, 2002

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To: Examiner Quang Nguyen	From: R. Danny Huntington
Voice Tel. No.: 703-308-8339	Voice Tel. No.: 703-838-6572
Fax Tel. No.: 703-746-5312	Sent By: Amy Scipione (703-299-8862)
Your Ref.: SN 09/265,191	Our Ref.: 028723-306
	Total Pages (Incl. Cover Page): 4

**RE:**

**MESSAGE:**

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(BDSM 05/01)

Patent  
Attorney's Docket No. 028723-306

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
Dennis A. CARSON et al	)	Group Art Unit: 4241
	)	
Application No.: 09/265,191	)	Examiner: Quang Nguyen
	)	
Filed: March 10, 1999	)	
	)	
For: RECOMBINANT GENE EXPRESSION	)	
VECTORS AND METHODS FOR USE	)	
OF SAME TO ENHANCE THE	)	
IMMUNE RESPONSE OF A HOST TO	)	
AN ANTIGEN	)	

**PETITION FOR EXTENSION OF TIME**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants hereby request a one-month extension of time to respond to the Office Action (Paper No. 29) mailed January 17, 2002. Granting the requested extension would make a response due by March 17, 2002. Applicants and the undersigned thank Primary Examiner Dave Nguyen for the courtesy shown during a telephone conference earlier today in which the following was discussed.

The Office Action was mailed to other counsel for Applicants one day before the undersigned left his office for over a week of meetings, and thus he did not learn of its existence until he was outside his office. In addition, the response was initially docketed for reply for three months from the date of mailing because the person who performs the docketing looked only at the first page of the Office Action which sets a three-month period for response, and did not realize that a shorter one-month period for response was set forth on Page 24 of the Office Action. By the time the one-month deadline was discovered, the undersigned was preparing for a previously scheduled final hearing in an interference on Monday, February 4, and a previously scheduled hearing at the Federal Circuit on Friday, February 9.

In the above mentioned telephone conference, the undersigned indicated that Applicants would like to schedule a personal interview prior to responding to the Office Action to better understand the rejections made and decide how best to respond to them. The undersigned has depositions in California and a trip to Europe already scheduled for next week, and a previously

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Attorney's Docket No. 028723-306  
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scheduled final hearing in an interference on Tuesday, February 26, followed by a previously scheduled deposition in New York on March 5. The combination of the above makes it impossible to prepare for and conduct an interview in anything less than the requested one-month extension.

Finally, the undersigned has discussed the possibility of an interview on March 8 with Examiner Quang Nguyen, Ph.D., who has agreed to consider that date subject to the availability of Primary Examiner Dave Nguyen. Granting of an extension to March 17, 2002, would allow preparation of a considered response after completing the requested interview. Applicants are pleased with the Examiners' desire to expedite prosecution of this application in which an interference has been requested, and to facilitate that the correspondence address for this application is being changed to that of the undersigned in a paper filed herewith.

Confirmation that a one-month extension of time has been granted is respectfully requested. Should any questions arise, please call the undersigned at (703) 838-6572.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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Date: February 13, 2002

By: R. Danny Huntington  
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**FACSIMILE TRANSMISSION**

I hereby certify that this paper is being transmitted via facsimile to Examiner Nguyen (Fax No. 703-746-5312) at the U.S. Patent and Trademark Office on February 13, 2002.

Amy Scipione  
Amy Scipione

2/13/02  
Date